

Sec. 13-5. Appeals.

Within fourteen (14) days after any action of denial has been taken by the city manager, or of suspension or revocation by the city manager or his designated representative, such person may appeal such action to the city council. Upon the filing of such request, the city clerk shall set a time and place for hearing and shall notify the appellant thereof. The hearing shall be set within thirty (30) days after the request is filed. At the hearing any person may present evidence in opposition to or in support of, the appellant's case. At the conclusion of the hearing, the city council shall either grant or deny the appeal and the decision of the city council shall be final. (Code 1961, § 12B.23; Ord. No. 506, § 1, 2-26-73)

Secs. 13-6—13-16. Reserved.

ARTICLE II. ESTABLISHMENTS

Sec. 13-17. Permit required.

It shall be unlawful for any person to operate, engage in, conduct or carry on, or to permit to be operated, engaged in, conducted or carried on, (as the owner or in any other capacity) in or upon any premises within the city the business of a massage establishment as herein defined, unless a permit for the operation of said establishment has been issued by the city manager and remains in effect in conformity with the provisions of this article. (Code 1961, § 12B.3; Ord. No. 506, § 1, 2-26-73)

Sec. 13-18. Exemptions from permit.

The permits required by this article shall not apply to hospitals, nursing homes, sanatoria, persons holding an unrevoked certificate to practice the healing arts under the laws of the State of California, or persons working under the direction of any such persons or in any of such establishments. (Code 1961, § 12B.4; Ord. No. 506, § 1, 2-26-73)

Sec. 13-19. Permit application.

(a) An application for a massage establishment permit shall be made upon a form

provided by said city manager and shall set forth the exact nature of the services to be provided, the proposed place of business and facilities therefor, and the name and address of each applicant.

(b) If the applicant is a corporation, the names and residence addresses of each of the officers and directors of said corporation and of each stockholder owning more than ten (10) per cent of the stock of the corporation shall be set forth. If applicant is a partnership, the names and residence addresses of each of the partners, including limited partners, shall be set forth.

(c) In addition to the foregoing, every applicant for such a permit shall furnish the following information (separate, individual application forms shall be submitted by each of the aforesaid directors or officers for corporate applicants, and by each such partner, in the case of partnership applicants):

- (1) The previous addresses of each applicant for the three (3) years immediately prior to the applicant's present address.
- (2) Written proof that the applicant is over the age of eighteen (18) years.
- (3) Each applicant's height, weight, color of eyes and hair, and sex.
- (4) Two (2) portrait photographs of each applicant, at least two (2) inches by two (2) inches, taken within sixty (60) days immediately prior to the date of filing of the application.
- (5) The business, occupation or employment of each applicant for the three (3) years immediately preceding the date of the application.
- (6) The history of each applicant in the operation of a massage establishment or similar business or occupation, including, but not limited to, whether or not any such person, in previously operating in this or another city or state under a permit, has had such permit revoked or suspended and the reason therefor, and the business activity or occupation subsequent to such action of suspension or revocation.

- (7) All criminal convictions of each applicant, other than misdemeanor traffic violations, the nature of each offense and the punishment or penalty assessed therefor.
- (8) The name and address of each massage technician who is or will be employed in said establishment.
- (9) A certificate from a medical doctor stating that each applicant has, within thirty (30) days immediately prior to filing his application herein, been examined and found to be free from any infectious, contagious, communicable disease or venereal disease.
- (10) Such other reasonable identification and information as may be considered by the city manager necessary to discover the truth of the matters hereinbefore specified.
- (11) Nothing herein contained shall be construed to deny to the investigating official the right to take the fingerprints and additional photographs of the applicant. (Code 1961, § 12B.4; Ord. No. 506, § 1, 2-26-73)

Sec. 13-20. Permit investigation and fee therefor.

All applications for initial massage establishment permits or temporary massage establishment permits shall be accompanied by an investigation fee in the sum of fifty dollars (\$50.00), no part of which shall be refundable. Upon receipt of said application, the city manager shall refer the application to the building department, the fire department, the police department, health officer, and the city planning department, each of which within a period of thirty (30) days from the date of filing the application shall inspect the premises proposed to be used as a massage establishment and shall make a written recommendation to the city manager concerning compliance with the respective requirements. (Code 1961, § 12B.5; Ord. No. 506, § 1, 2-26-73)

Sec. 13-21. Permit condition precedent to license.

The information required for a permit by section 13-19 to operate, engage in, conduct

or carry on or to permit to be operated, engaged in, conducted or carried on, (as the owner or in any other capacity) in or upon any premises within the city, the business of a massage establishment as herein defined shall be furnished to the city manager in conjunction with the application for a business license for engaging in, conducting or carrying on the business of massage required by chapter 12. The investigation by the building department, the fire department, the police department, the health officer, and the city planning department, and the issuance of a massage establishment permit shall be necessary conditions precedent to the granting of such a business license. After the investigation is made and a massage establishment permit has been issued, a business license for such business shall be issued by the city manager, upon the payment of the license fee in conformity with the provisions of chapter 12, and applicable ordinances of the city as now or hereafter in force and effect. (Code 1961, § 12B.6; Ord. No. 506, § 1, 2-26-73)

Sec. 13-22. Issuance or denial of permit.

The city manager shall issue such permit if upon investigation and the reports filed it is found:

- (a) That the operation, as proposed by the applicant, if permitted, would comply with all applicable laws, including, but not limited to, the city's building, zoning and health regulations.
- (b) The applicant has not been convicted in a court of competent jurisdiction of:
 - (1) An offense involving lewd conduct; or an offense involving the use of force and violence upon the person of another; or
 - (2) A crime requiring registration pursuant to Section 290 of the California Penal Code, or of any violation of Sections 311 through 311.7, Sections 314, 315, 316, 318 or Section 647(a), (b) or (d) of the Penal Code.
 - (3) That the applicant has not knowingly and with intent to deceive made any false, misleading, or fraud-

ulent statement of facts in the permit application or any other document required by the city in conjunction therewith.

Otherwise said permit shall be denied. In the event of denial, notification of and the reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or delivered in person. (Code 1961, § 12B.7; Ord. No. 506, § 1, 2-26-73)

Sec. 13-23. Expiration of permit; renewal.

Each massage establishment permit issued pursuant to this chapter shall expire on the first anniversary of its issuance, unless sooner revoked. An unrevoked permit may be renewed on a year-to-year basis on written application to the city manager made at least thirty (30) days before its expiration date. Said application shall include all changes in and updating of information previously furnished under section 13-19. Each renewal application shall be accompanied by a current-investigation fee in the amount of five dollars (\$5.00), no part of which shall be refundable. (Code 1961, § 12B.8; Ord. No. 506, § 1, 2-26-73)

Sec. 13-24. Transfer of establishment permit.

No massage establishment permit shall be transferable except with the written approval of the city manager. A written application for such a transfer shall be made to the city manager and shall be accompanied by a filing and investigation fee of fifty dollars (\$50.00), no part of which shall be refundable. The application for such transfer shall contain the same information as required herein for an initial application for a permit as set forth in section 13-19 herein. In the event of denial of such transfer, notification of and reasons for denial shall be set forth in writing and shall be sent to the applicant by means of registered or certified mail or delivered in person. (Code 1961, § 12B.12; Ord. No. 506, § 1, 2-26-73)

Sec. 13-25. Notification of changes.

Every massage establishment owner or operator shall report immediately to the city

manager any and all changes of address or ownership of the massage establishment, and any changes or transfers of massage technicians or massage technician trainees employed by him in the business or practice. (Code 1961, § 12B.20; Ord. No. 506, § 1, 2-26-73)

Sec. 13-26. Suspension or revocation of establishment permit.

Any massage establishment permit issued under this chapter shall be subject to suspension or revocation by the city manager for violation of, or for causing or permitting violation by such establishment's employees of, any provision of this chapter or for any grounds that would warrant the denial of the issuance of such permit in the first instance. Prior to the suspension or revocation of any permit issued under this chapter, the permittee shall be entitled to a hearing held before the city manager or his designated representative, at which time evidence will be received for the purpose of determining whether or not such permit shall be suspended or revoked or whether the permit may be retained. In the event the permit is suspended or revoked, the notification of and reasons for such suspension or revocation shall be set forth in writing and sent to the permittee by means of registered or certified mail or delivered in person. (Code 1961, § 12B.22; Ord. No. 506, § 1, 2-26-73)

Sec. 13-27. Sanitation requirements.

(a) All premises used by permittees hereunder shall be subject to periodic inspection by the city for safety of the structure and the adequacy of plumbing, ventilation, heating and sanitation. One artificial white light of not less than forty (40) watts shall be provided in each room where massage is administered. The walls shall be clean and painted with an approved washable mold resistant paint in all rooms where water or steam baths are given. Floors shall be free from any accumulation of dust, dirt, or refuse. All equipment used in the massage operation shall be maintained in a clean and sanitary condition. Separate restrooms shall be provided for men and women.

(b) Towels, sheets, clothes and linens of all types, and items for personal use of operators

and patrons shall be clean and freshly laundered and shall not be used for more than one person. Reuse of such items is prohibited unless the same has first been laundered. Such items shall not be laundered or dried in any massage establishment unless such establishment is provided with approved laundry facilities for such laundering and drying. Heavy white paper may be substituted for sheets provided that such paper is used once for every person and then discarded into a sanitary receptacle.

(c) Dressing and locker facilities shall be provided for patrons. Security deposit facilities for the protection of the valuables of the patrons shall also be available. (Code 1961, § 12B.10; Ord. No. 506, § 1, 2-26-73)

Sec. 13-28. Right to enter to inspect.

The investigating officials of the city, including the health officer, shall have the right to enter the premises from time to time during regular business hours for the purpose of making reasonable inspections to enforce compliance with building, fire, electrical, plumbing or health regulations. (Code 1961, § 12B.11; Ord. No. 506, § 1, 2-26-73)

Sec. 13-29. Temporary establishment permits.

Upon request by an applicant, the city manager shall be authorized to issue a temporary massage establishment permit to any applicant who is the owner or operator of such an establishment in operation in the city on March 30, 1973, pending review and investigation of the application submitted herein. Such temporary permit shall remain in effect for a period of thirty (30) days or until issuance of the permit applied for, unless said permit has been denied for any of the reasons set forth in section 13-22, in which event said temporary permit shall be of no further force and effect. (Ord. No. 506, § 1, 2-26-73)

Secs. 13-30. 13-40. Reserved.

ARTICLE III. TECHNICIANS

Sec. 13-41. Permit required.

It shall be unlawful for any person, including those persons issued a massage

establishment permit pursuant to article II herein, to practice massage as a principal, an employee, agent or otherwise within the city, unless such person has been issued a massage technician permit by the city manager and such permit remains in effect in conformity with the provisions of this chapter. (Code 1961, § 12B.13; Ord. No. 506, § 1, 2-26-73)

Sec. 13-42. Permit application.

The application for a massage technician's permit shall be made upon a form provided by the city manager and shall set forth the following information:

- (a) The applicant's full name, residential address, and residence telephone number.
- (b) The name and address of the massage establishment where the applicant is to be employed and the name of the owner of same.
- (c) The names and addresses of any and all previous establishments where the applicant has been employed as a massage technician.
- (d) All criminal convictions, if any, other than misdemeanor traffic violations, of the applicant, the nature of each offense and the punishment or penalty assessed therefor.
- (e) Whether any permit to engage in the practice of massage as a massage technician or otherwise has previously been denied the applicant or revoked and, if so, the circumstances of such denial or revocation.
- (f) A portrait photograph of the applicant at least two (2) inches by two (2) inches, taken within sixty (60) days prior to the date of filing of the application, together with a complete set of such person's fingerprints which shall be taken by the chief of police or his designee.
- (g) Written proof that the applicant is over the age of eighteen (18) years.
- (h) A certificate from a medical doctor stating that the applicant has, within thirty (30) days immediately prior to